

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 03CV12223RGS

TERRI J. PEDATO, AS MOTHER AND *

NEXT FRIEND OF RICHARD MORRILL¹ *

Plaintiff *

*

v. *

*

FRED H. ARRIGG, JR., M.D. *

Defendant *

PLAINTIFF'S MOTION FOR APPROVAL OF SETTLEMENT

Now comes the plaintiff in the above referenced matter and respectfully moves this Honorable Court to approve the settlement entered into between the parties herein. The liability of the Defendant was questionable and the settlement is a compromise. The terms of the settlement are as follows.

The settlement has a present day cash value of \$125,000. Per the terms of the settlement \$73,178.08 is to be paid in cash upon settlement approval for payment of a MassHealth lien, legal fees, case expense reimbursement and cash to the minor plaintiff as further described *infra*. The balance of the settlement proceeds (\$51,821.92) is to be used for the purchase by the defendant's liability insurer, Promutual, to purchase an annuity from Allstate Life Insurance Company (rated A.M. Best A+ Class XV) for the periodic payment of tax-free funds to Richard Morrill as more fully described in exhibit A hereto.

¹ While this litigation has been pending Richard was adopted by his step-father, Steven Pedato.

Approved: R.J. Harrington 12-17-07.

Distribution of the cash portion of the settlement proceeds is as follows:

--Commonwealth of Massachusetts.....	\$ 20,000.00 ²
--Richard Morrill	\$ 7,500.00
--Joseph G. Abromovitz, P.C. – Legal Fees	\$ 40,000.00 ³
--Joseph G. Abromovitz, P.C. --Reimbursement of Case Expenses \$ <u>5,678.08</u> ⁴	
Total..... \$ 73,178.08	

The remainder of the settlement proceeds are to be used to purchase tax-free annuities that will generate a tax-free income stream to Richard Pedato totaling \$79,934.20 described in Exhibit A.

Counsel for plaintiff believes the settlement to be fair and reasonable and in the best interests of this child and respectfully request this Court to approve same.

Dated: December 17, 2007

The Plaintiff,
By her attorney,
JOSEPH G. ABROMOVITZ, P.C.

Joseph G. Abromovitz
BBO NO. 011420
858 Washington Street
Third Floor
Dedham, MA 02026
Phone: (781) 329-1080

² Reduced from \$39,517.57

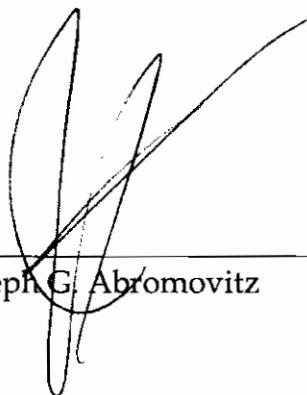
³ Reduced from the contracted fee of \$50,000.00

⁴ See Exhibit B hereto.

CERTIFICATE OF SERVICE

I, Joseph G. Abromovitz, counsel for the plaintiff, hereby certify that on the 11th day of December, 2007 I served a copy of the within document via facsimile and postage prepaid mail to the following counsel of record:

Kenneth Weiss, Esquire
Nicole Mason, Esquire
FICKSMAN & CONLEY
98 Washington Street
Suite 500
Boston, MA 02114



Joseph G. Abromovitz

A handwritten signature in black ink, appearing to read "Joseph G. Abromovitz". It is written over a horizontal line.



RICHARD PEDATO

D.O.B.: 05/17/1992

Normal Life Expectancy 66.0 Years

Exh A

PACKAGE D

Age	Starting Date	Monthly Benefit	Guaranteed Benefit	Life Contingent Benefit	Total Benefit To Date
15	06/17/2007	\$0.00	\$0.00	\$0.00	\$0.00
16	06/17/2008	\$0.00	\$0.00	\$0.00	\$0.00
17	06/17/2009	\$0.00	\$0.00	\$0.00	\$0.00
18	06/17/2010	\$399.33	\$4,791.96	\$0.00	\$4,791.96
19	06/17/2011	\$411.31	\$4,935.72	\$0.00	\$9,727.68
20	06/17/2012	\$423.65	\$5,083.80	\$0.00	\$14,811.48
21	06/17/2013	\$436.36	\$5,236.32	\$0.00	\$20,047.80
22	06/17/2014	\$449.45	\$5,393.40	\$0.00	\$25,441.20
23	06/17/2015	\$462.93	\$5,555.16	\$0.00	\$30,996.36
24	06/17/2016	\$476.82	\$5,721.84	\$0.00	\$36,718.20
25	06/17/2017	\$491.12	\$5,893.44	\$0.00	\$42,611.64
26	06/17/2018	\$505.85	\$6,070.20	\$0.00	\$48,681.84
27	06/17/2019	\$521.03	\$6,252.36	\$0.00	\$54,934.20
28	06/17/2020	\$0.00	\$25,000.00	\$0.00	\$79,934.20
Totals:			\$79,934.20	\$0.00	\$79,934.20

*** REVISED FINAL PLAN OF SETTLEMENT

12/11/07 ***

This quote is good for 7 days from December 11, 2007

THIS SETTLEMENT IS CONTINGENT UPON VERIFICATION OF DATE OF BIRTH

SUMMIT SETTLEMENT SERVICES

BRIAN MILOSH

508-650-5454

508-650-5454

BREAKDOWN OF CASE EXPENSES

Expert Witnesses	\$3,850.00
Depositions	\$1,357.70
Court Costs (filing fee/service of process)	\$ 264.20
Medical Records	\$ 274.64
Travel	\$ 106.50
Postage/Photocopies	<u>\$ 25.04</u>
TOTAL	\$5,878.08